

Remarks

This Amendment is in response to the Office Action dated **August 6, 2009**.

Claim Rejections 35 USC §112

Claims 20 and 22 have been rejected for failure to comply with the written description requirement. The claims have been canceled, mooting the rejection.

Claims 1-3, 6-14 and 18-22 have been rejected as indefinite. The rejection is traversed.

The Office Action objects to recitation of a "rigid" connecting members that are also "deformable" under the condition previously recited in independent claims 1 and 10. Claims 1 and 10, 20 and 22 have been cancelled. New claims 23 and 27 replace claims 1 and 10, respectively and describe the connecting members without recitation "rigid." This grounds for rejection has therefore been overcome.

Additional objections have been raised as to claims 18, 19 and 22, all of which have been cancelled, mooting these rejections.

Claim Rejections 35 USC §102

Claims 1-3, 6-9, 15 and 17-22 have been rejected as anticipated by Murray, US 6093188. The rejection is traversed.

Claims 1-2, 9, 15 and 17-22 have been canceled.

Claims 3, 6, 7, 8, as well as new claims 24-26 now all depend from new independent claim 23.

New claim 23, is directed to the bone fixing device is limited to a device consisting of first and second fixing portions, each fixing portion provided with either a single hole or two holes only; and,

First and second connecting members formed integrally with the first and second fixing portions, each connecting member extending directly to each of the first and second fixing portions and lying symmetrically about a line extending through a centre of the fixing portions, the connecting members being deformable to draw the fixing portions together wherein the connecting members substantially maintain

their position after deformation.

In the applicant's view, claim 23 is distinguishable from Murray, as the claimed device consists of only a first and a second fixing portion where each portion has either a single hole or two holes only. Murray describes and contemplates a plate which consists of many more than two fixing portions and substantially more holes than defined by present claim 23. Further, it is noted that Murray does not show first and second connecting members formed integrally with and extending directly to each of the first and second fixing portions.

Claims 10-11 and 16 have been rejected as obvious from Murray, taken with Michelson (US 6093188). The rejection is traversed.

Claims 10 and 16 have been cancelled, claim 11 now depends from new independent claim 27.

Claim 27 recites a modular system comprising at least two bone fixing devices, each bone fixing device consisting of:

first and second fixing portions, each fixing portion provided with a single hole, and first and second connecting members formed integrally with the first and second fixing portions, each connecting member extending directly to each of the first and second fixing portions and lying symmetrically about a line extending through a centre of the fixing portions, the connecting members being deformable to draw the fixing portions together wherein the connecting members substantially maintain their position after deformation; ...

As already noted Murray does not have features underlined. Nor does Michelson. Further, Michelson does not describe first and second connecting members formed integrally with first and second fixing portions where connecting members extend directly to each of the first and second fixing portions and where the connecting members are deformable.

Claims 12-14 have been rejected as obvious from Murray, taken with Michelson, further in view of Farris et al. The rejection is traversed.

As currently amended claims 12-14 depend from claim 27. Farris does not have or suggest the features already noted to be missing from the combination of Murray and Michelson.

In view of the amendments and remarks presented herein, all of the outstanding objections and rejections have been overcome. The application is believed to be in condition for allowance. Early and favorable action thereon is requested.

Respectfully submitted,
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